

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

204

CRM-M-18987-2019

Date of decision: 19.04.2022

Gurwinder Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amritpal Singh Gill, Advocate for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

Mr. D.S.Randhawa, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail in FIR No.41 dated 04.03.2010, registered for offences under Sections 406, 498-A of the Indian Penal Code, 1860, at Police Station Salem Tabri, District Ludhiana City.

FIR, Annexure P-1 is an outcome of a matrimonial dispute and despite the fact that the parties were referred to the Mediation and Conciliation Centre, dispute could not be settled. The petitioner was declared as a proclaimed offender by the trial court on 02.07.2021. In pursuance to order dated 30.04.2019 passed by this Court in CRM-M-19340-2019, the petitioner surrendered before trial Court and was ordered to be released on interim bail. The said petition was disposed of by this Court as having become infructuous, by a subsequent order.

Vide order dated 23.05.2019, this Court ordered release of the petitioner on interim bail and directed him to appear before the

Investigating Officer.

Upon instructions from SI Janak Raj, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation and no further recovery is to be effected.

On 23.05.2019 in pursuance to the undertaking given by the petitioner, he deposited a sum of Rs. 1 Lac in the name of his minor son in the shape of FDR. Vide order dated 27.11.2019, this Court directed the petitioner to deposit another sum of Rs.1 Lac in fixed deposit in the name of his son. However, same has not been done.

Keeping in view the fact that the petitioner has joined the investigation and is no longer required for custodial interrogation, interim order dated 23.05.2019 is made absolute subject to the condition that the petitioner deposits an amount of Rs.1 Lac in a fixed deposit in the name of his son for a period of three years. Let the same be done within a period of 4 months from today. The original FDR be handed over to the complainant before the trial Court.

It is made clear that in case the petitioner fails to do so, instant petition shall be deemed to have been dismissed.

Disposed of.

(SUVIR SEHGAL)
JUDGE

19.04.2022
pooja saini

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No